

## SECTION 2. GENERAL PROVISIONS

**2-1. Authority to issue Personnel Regulations.** The County Executive must issue Personnel Regulations (these Regulations) under the Montgomery County Charter, Section 402 and Montgomery County Code, 1994, Section 33-7(b).

**2-2. Applicability of Personnel Regulations.** The Personnel Regulations apply to all merit system positions and all employees of the County government except:

- (a) members of the County Council;
- (b) the County Executive;
- (c) the CAO;
- (d) the County Attorney;
- (e) the directors of County departments and principal offices as defined by statute;
- (f) one confidential aide for each member of the County Council;
- (g) 2 senior professional staff positions for the Council as a whole chosen by the County Council;
- (h) 3 special assistant positions in the Office of the County Executive chosen by the County Executive;
- (i) special legal counsel employed under provisions of the Charter;
- (j) members of boards and commissions;
- (k) hearing officers authorized by statute to serve in a quasi-judicial capacity;
- (l) employees excluded from the merit system by County or Maryland State statute; and
- (m) employees of independent agencies or corporations supported in whole or in part with Montgomery County general or special tax funds, unless authorized by statute to be members of the Montgomery County merit system.

**2-3. Interpretations of Personnel Regulations.**

- (a) ***Responsibility for interpretation of Personnel Regulations.*** The CAO may issue written interpretations of these Regulations as necessary to provide guidance for the administration of these Regulations.
- (b) ***Request for interpretation of Personnel Regulations.*** An employee may request an interpretation of these Regulations by the CAO. The employee must submit a written request for interpretation to the CAO and identify the relevant facts, the specific question to be addressed, and the specific Regulation section to be interpreted.
- (c) ***CAO response to a request for interpretation.***
  - (1) The CAO must issue an interpretation in writing within 60 calendar days of receiving the request with copies to interested County departments, offices, employees, or employee groups.
  - (2) An employee may not grieve or appeal a written CAO interpretation issued under (1) above. An employee may, however, file a grievance under Section 34 of these Regulations or file an appeal with the MSPB under Section 35 over an action taken on the basis of a CAO interpretation if another provision of these Regulations allows the employee to grieve or appeal the action.
  - (3) The MSPB is not bound by the CAO's interpretation of these Regulations.

**2-4. Responsibility for administration of the merit system.**

- (a) ***Responsibility of the CAO.*** The CAO must administer the County's merit system under merit system statutes and regulations and must:
  - (1) as necessary, recommend to the County Executive amendments to the Personnel Regulations for adoption under Method (1) to implement the County's merit system;
  - (2) interpret and enforce the Personnel Regulations;
  - (3) direct and supervise all administrative activities involving County human resources management, including providing resources to advise, assist and train managers and supervisors to carry out their human resources management responsibilities;
  - (4) maintain a classification and compensation plan;

- (5) establish as appropriate, supervise, and evaluate human resources programs, including recruitment, employment, promotion, diversity and equal employment opportunity, training, health, employee assistance, and general employee welfare programs to improve employee effectiveness;
  - (6) maintain personnel records; and
  - (7) advise management on personnel matters.
- (b) ***Delegation of authority.***
  - (1) The CAO may:
    - (A) delegate authority in writing to implement provisions of the merit system statutes or these Regulations; or
    - (B) withdraw a delegation of authority in writing.
  - (2) An official with authority to take an action under these Regulations may further delegate that authority in writing unless a statute or regulation specifically precludes further delegation.

**2-5. Computation of time under Personnel Regulations.** Time limits for filing actions are expressed in these Regulations as either calendar days or working days. In either case the following applies:

- (a) the day of the act or event is not counted;
- (b) the last day of the time period is counted unless it is a Saturday, Sunday, legal holiday, or a day on which the County government or relevant County office is closed;
- (c) if the last day of the time period is a Saturday, Sunday, legal holiday, or a day on which the County government or relevant County office is closed, the time period runs until the end of the next business day on which the County government or relevant County office is open; and
- (d) a period of time under these Regulations must be based on calendar days for uniformed fire/rescue employees.

**2-6. Shortening or extending time requirements under Personnel Regulations.** The CAO may shorten or lengthen a time period specified by the Personnel Regulations or an executive regulation, except for time limits established by the MSPB, upon receipt of a written request. The decision of the CAO on the request is final. The CAO may:

- (a) shorten the period of time with the consent of both parties;

- (b) extend the period of time in the following circumstances:
  - (1) if the CAO receives the written request for an extension before the end of the period originally established; or
  - (2) if the CAO receives the written request within 30 calendar days of the expiration date of the period originally established, the failure to act within the specified time period was the result of extenuating circumstances established by the person requesting the extension, and the interest of justice is served by an extension.

**2-7. Citation of Personnel Regulations.** The Personnel Regulations should be cited as “Montgomery County Personnel Regulations, 2001, Section \_\_\_\_” or “MCPR, 2001, Section \_\_\_\_.”

**2-8. Severability.** If a court of final appeal holds that part of these Regulations are invalid, the invalidity does not affect other parts of these Regulations.

**2-9. Conflict between a collective bargaining agreement and the Personnel Regulations.** If a provision of these Regulations is inconsistent with a collective bargaining agreement, the agreement applies to any employee in the bargaining unit.

**2-10. Disclaimer.** “Editor’s Notes” that appear in this compilation of the Regulations have not been approved by the County Council and are intended only as cross references for the convenience of the reader. An editor’s note has no substantive effect and must not be considered in any interpretation of these Regulations.

**2-11. Conflict between Personnel Regulations and other statute or regulation.** If these Regulations are in conflict with an applicable State or Federal statute or regulation, the State or Federal statute or regulation prevails.

**2-12. Effective date.** These Regulations are effective on October 7, 2001.

**2-13. Sunset date.** These Regulations expire on October 7, 2006.